



CHURCH BYLAWS –

PROCEDURE FOR MEMBER DISCIPLINE/MEMBERSHIP REVOCATION

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It is highly important for churches to have a written membership policy. A vital part of any church's membership policy is specifically defining what steps will be taken to correct its members – should they violate the rules of the church – and how the disciplinary process applies to the withdrawal of membership. Legal claims seem to arise most frequently in this area when a church deems it necessary to discipline a member who is engaging in sexual sin.

For instance, in the *Guinn* case, a small-town church in Oklahoma was sued when its leadership began the discipline process for a member.¹ It seems the single mother of three was engaged in an inappropriate sexual relationship with the local mayor. After the elders of the church confronted her with the matter pursuant to Matthew 18 (and she admitted to it), she resigned her membership and had an attorney send a letter to the church warning it not to disclose the matter to the congregation. Because the woman was no longer a member, the court held that the elders were not immune from claims of invasion of privacy and intentional infliction of emotional distress after they disclosed the details of her relationship to the congregation and four other area churches.

The good news is that the court determined the elders could *not* be held liable for disciplinary actions taken before resignation of membership. A court order forcing them to pay damages for these actions would have violated the free exercise rights of the church.

Much can be learned from the *Guinn* case, but one of the most important things for church leaders to take away from this is that church bylaws should carefully spell out the disciplinary process and how it relates to withdrawing membership. For instance, the church would have likely avoided liability if its bylaws specifically stated that membership cannot be withdrawn once the disciplinary process begins, and had its members sign a statement agreeing to this condition of their membership.

For more information on how to protect your church from unnecessary lawsuits, read [“Seven Things All Churches Should Have in Their By-Laws.”](#) If you have specific legal questions, use the [Legal Inquiry Form](#) to share your question with an attorney.

¹ *Guinn v. Church of Christ of Collinsville*, 775 P.2d 766 (Okla. 1989)